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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

M.B.,

Petitioner,

v.

THE SUPERIOR COURT OF TULARE
COUNTY,

Respondent,

TULARE COUNTY HEALTH AND
HUMAN SERVICES AGENCY,

Real Party In Interest.

F046195

(Super. Ct. Nos. JJV058283A
& JJV058283B)

OPINION

THE COURT*

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Charlotte A. Wittig, Juvenile Court Referee.

M.B., in pro. per., for Petitioner.

No appearance for Respondent.

Kathleen Bales-Lange, County Counsel, and Amy-Marie Costa, Deputy County Counsel, for Real Party In Interest.

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*Before Vartabedian, Acting P.J., Gomes, J. and Dawson, J.

Petitioner, in pro. per., seeks an extraordinary writ (Cal. Rules of Court, rule 39.1B) to vacate the orders of the juvenile court denying her reunification services and setting a Welfare and Institutions Code section 366.26 hearing.¹ We conclude the petition fails to comport with the procedural requirements of California Rules of Court, rule 39.1B(j). Accordingly, we will dismiss the petition as facially inadequate.

STATEMENT OF THE CASE AND FACTS

On June 10, 2004, petitioner left her then two-month-old daughter H. and three-year-old son B. in the care of their father, J., and reported to work. Petitioner knew J. had been smoking methamphetamine earlier in the day and would continue to do so into the evening. Later in the day, emergency room technicians responded to petitioner's home and found H. unconscious and in respiratory distress. H. was rushed to the emergency room where she was diagnosed with intracranial and bilateral retinal hemorrhage as well as healing rib fractures. After further evaluation, her treating physicians concluded she was a victim of shaken baby syndrome. In response, the Tulare County Health and Human Services Agency (agency) filed a dependency petition on behalf of H. and B. pursuant to section 300, subdivisions (a) (serious physical harm), (b) (failure to protect) and (e) (severe physical abuse). The agency removed the children from petitioner's custody and placed them with relatives.

The juvenile court detained the children and petitioner admitted to mediated allegations her drug abuse and domestic violence placed the children at risk of harm. (§ 300, subd. (b).) After a contested jurisdictional hearing, the court found true allegations that J. caused H. to suffer severe physical harm, that petitioner failed to recognize the injuries were the result of J.'s severe physical abuse of H., and that

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

petitioner was unable to protect the children from J.'s physical abuse. (§ 300, subds. (a), (b) & (e).)

On August 18, 2004, the juvenile court conducted a contested dispositional hearing on the agency's recommendation the court deny both parents reunification services based on J.'s severe physical abuse of H. pursuant to section 361.5, subdivisions (b)(5) and (b)(6). After petitioner's testimony and argument by counsel, the court denied petitioner and J. reunification services as recommended and set a section 366.26 hearing. This petition ensued.

DISCUSSION

Real party in interest argues the petition should be dismissed as facially inadequate. We concur.

California Rules of Court, rule 39.1B(j) (rule) sets forth very specific content requirements for an extraordinary writ petition. For example, rule 39.1B(j) requires a factual summary, at least one assertion of juvenile court error, references to specific disputed portions of the juvenile court record and points and authorities. In this case, petitioner makes no attempt to summarize the facts or raise legal issues. Rather, she expresses her love for her children and her desire for a chance to regain custody of them. However, because petitioner makes no claim of juvenile court error, we must dismiss her petition as facially inadequate.

DISPOSITION

The petition for extraordinary writ is dismissed. This opinion is final forthwith as to this court.